

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

HILDA DROS, individually, and as Independent Administrator of the Estate of LUIS A. GONZALEZ, deceased,)	
)	
Plaintiff,)	
-vs-)	No. 23 CV 6555
)	
KANE COUNTY SHERIFF, individually, and d/b/a KANE COUNTY ADULT JUSTICE CENTER; et al.)	Magistrate Judge M. David Weisman
)	
Defendants.)	

**ORDER FOR COURT APPROVAL OF
SETTLEMENT, ALLOCATION AND DISTRIBUTION**

Upon Petition of the Plaintiff herein for the entry of an Order approving the settlements between Plaintiff and against Defendant, COUNTY OF KANE (KANE), and Defendants, WEXFORD HEALTH SOURCES, INC., a corporation (hereinafter also referred to as “WEXFORD”); THE BANTRY GROUP CORPORATION, a corporation, individually, and d/b/a WEXFORD HEALTH SOURCES, INC. (hereinafter also referred to as “BANTRY”), allocation and distribution, due notice having been given, and the Court being fully advised after hearing, the Court finds and orders as follows:

1. The settlement amount of Fifty Thousand Dollars and Zero Cents (\$50,000.00) between the Plaintiff and against Defendant, KANE, for all claims against Defendants is approved, the Court finding that said settlement is fair and reasonable.
2. The settlement amount of Five Hundred Fifty Thousand Dollars and Zero Cents (\$550,000.00) between the Plaintiff and against Defendants, WEXFORD and BANTRY, for all claims against Defendants is approved, the Court finding that said settlement is fair and reasonable.
3. That upon hearing on Plaintiff’s motion, this Court finds that the aforementioned settlement is allocated in total, 100%, to Wrongful Death, and that said allocation for this settlement is in good faith, fair and reasonable.
4. The order further finds that it is the intent of all parties that all sums paid pursuant to this settlement constitute damages on account of personal physical injuries and physical sickness, within the meaning of §104(a)(2) of the Internal Revenue Code.

IT IS HEREBY ORDERED:

1. Plaintiff's counsel, Goldstein, Fluxgold & Baron, P.C. (hereinafter also referred to as GF&B), attorney's fees are approved and is therefore entitled to attorneys' fees equal to 33-1/3% of total settlement in the sum of:

\$200,000.00 (Two Hundred Thousand Dollars and Zero Cents)

2. Plaintiff's counsel, GF&B's, litigation expenses are approved, and GF&B is entitled to reimbursement of approved Litigation expenses in the total amount of \$11,326.25 (Eleven Thousand Three Hundred Twenty-Six Dollars and Twenty-Five Cents), as set out in Plaintiff's itemization attached to Plaintiff's Petition.
3. Plaintiff's counsel, GF&B's, probate expenses are approved, and GF&B is entitled to reimbursement of approved probate expenses in the total amount of \$3,347.96 (Three Thousand Three Hundred Forty-Seven Dollars and Ninety-Six Cents), as set out in Plaintiff's itemization in Plaintiff's Petition.
4. Funeral and Burial Expenses are approved and HILDA DROS, individually, is entitled to reimbursement of approved funeral and burial expenses in the total amount of \$4,435.80 (Four Thousand Four Hundred Thirty-Five Dollars and Eighty Cents).
5. That the next of kin (heirship as set forth in 755 5/2-1 et seq.) of the decedent is as follows:

<u>Estate of Hilda Otero,</u>	<u>Spouse,</u>	<u>Post-Deceased</u>
<u>HILDA DROS,</u>	<u>Daughter,</u>	<u>Adult</u>
<u>Madalyn Gonzalez (formerly Guerrero),</u>	<u>Daughter,</u>	<u>Adult</u>
<u>Lisette Gonzalez,</u>	<u>Daughter,</u>	<u>Adult</u>
<u>Alexander Gonzalez,</u>	<u>Son,</u>	<u>Adult</u>

6. That the next of kin of LUIS A. GONZALEZ, deceased, and their percentages of dependency are as follows:

a. Estate of Hilda Otero,	Spouse,	Post-Deceased	<u>20.00</u> percent
b. HILDA DROS	Daughter,	Adult	<u>20.00</u> percent
c. Madalyn Gonzalez	Daughter,	Adult	<u>20.00</u> percent
d. Lisette Gonzalez	Daughter,	Adult	<u>20.00</u> percent
e. Alexander Gonzalez	Son,	Adult	<u>20.00</u> percent

7. After the above-listed deductions and 100% allocation, the total net amount of the Wrongful Death Portion of the settlement distributable to the next of kin is \$380,889.99 (Three Hundred Eighty Thousand Eight Hundred Eighty-Nine Dollars and Ninety-Nine Cents) and is to be distributed in accordance with the above percentages of dependency, as follows:

a. Estate of HILDA OTERO, post-deceased spouse-	20%	<u>\$76,178.00</u>
b. HILDA DROS, adult daughter-	20%	<u>\$76,178.00</u>
c. Madalyn Gonzalez, adult daughter-	20%	<u>\$76,178.00</u>

d. Lisette Gonzalez, minor daughter-	20%	<u>\$76,178.00</u>
e. Alexander Gonzalez, minor daughter-	20%	<u>\$76,177.99</u>

8. Vouchers evidencing attorney's expenses and disbursements of funds, subject to the Probate Court's subsequent order approving the distribution, shall be filed with this Court within ninety (90) days of the entry of this order.

IT IS THEREFORE ORDERED that the settlement, allocation distribution and attorney's fees are approved and HILDA DROS, individually, and as Independent Administrator of the Estate of LUIS A. GONZALEZ, deceased, is authorized and directed to execute releases upon receipt of the sum offered and to distribute the proceeds in accordance with the provisions of this Order.

DATE: April 3, 2025



M. David Weisman
United States Chief Magistrate Judge